THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.21065 of 2001

Date: 03.08.2007

Between:

Padala Vera Venkata Satyanarayana Reddy
and another.

..... PETITIONERS

AND

A.P. Transco represented by its
1. The Assistant Divisional Engineer Operation,
Sub Division, rep. by its A.P. Transco,
EPDCL, Town Kothapeta (P)(M) EGDT
and two others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.21065 of 2001

ORDER:

This writ petition is filed by the petitioners questioning the proceedings of the second respondent, dated 01.06.2001, wherein the second respondent has decided to merge two Low Tension connections as one under High Tension connection without giving any notice and opportunity to them, and breached Clause 27 of the Terms and Conditions of Power Supply Agreement.

It is stated that the petitioners, who are two in number, have established their own separate units at the premises in question and obtained separate power supply connections from the A.P. Transco of which respondents 1 to 3 are the employees. According to the petitioners, the respondents, without giving an opportunity to them to prove their case and even without properly conducting enquiry as to the ownership of the different units having different connections, decided to merge two Low Tension connections as one High Tension connection, which is illegal and violative of the principles of natural justice. The grievance of the petitioners is also that the proposed action of the respondents is not in conformity with Clause 27 of the statutory terms and conditions of power supply. Therefore, they sought to set aside the impugned proceedings.

No counter-affidavit is filed on behalf of the respondents.

At the time of hearing, the learned counsel for the petitioners submitted that a similar issue was considered by this Court in **Hemanth Fan Components v. Central Power Distribution Co., of A.P. Ltd., Hyderabad**[1], wherein it was held that before treating different establishments as a single unit for the purpose of reckoning them as High Tension Category instead of Low Tension Category, exercising the

powers under Clause 27 of the statutory terms and conditions of supply, the department has to prove that separate establishments should not only be situated within a single premises but should also be owned or leased by the same person. Unless and until the above conditions are proved, it is not open to the respondent-Corporation to merge two Low Tension Connections as one High Tension Connection.

In view of the above judgment, and since in the instant case the respondents have not given any notice and opportunity to the petitioners and further there is no clear and categorical finding, the impugned proceedings, dated 01.06.2001, are set aside. However the respondents are at liberty to proceed against the petitioners for merging two Low Tension connections as one High Tension Connection, after issuing notice of the proposed action and giving opportunity and after recording the compliance of conditions contemplated under Clause 27 of the terms and conditions of supply.

The Writ Petition is accordingly allowed. There shall be no order as to costs.

S.ANANDA REDDY,J

Date: 03.08.2007
va

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[1] 2001 (2) L.S. 186